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AT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/491,841 08/23/99 DAUME

B 6887

MM92/1204
SHLESINGER ARKWRIGHT & GARVEY LLP
3000 SOUTH EADS STREET
ARLINGTON VA 22202

EXAMINER

LUEBKE, R

ART UNIT

PAPER NUMBER

2833

DATE MAILED:

12/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/491,841

Applicant(s)
Daume

Examiner
Renee S. Luebke

Group Art Unit
2833



☒ Responsive to communication(s) filed on Aug 18, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) 2, 6, 9, 12, 15, 19, 21, 27, 28, 31-34, and 40 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-5, 7, 8, 10, 11, 13, 14, 16-18, 20, 22-26, 29, 30, and 35-39 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 2, 6, 9, 12, 15, 19, 21, 27, 28, 31-34, and 40 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 23, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8 & 9

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. The examiner apologizes for the confusion and delay caused by the serial number error on the filing receipt. The present application number is appropriate for applicant's Case 6887 and all of the papers submitted by applicant in the file bear this case number.

Attached is a copy of the Bibliographic Data Sheet which shows the information that is presently in the USPTO data base. Changes have been requested for the marked items.

2. Applicant's election without traverse of species 2 (shown in Figs. 5 and 6) in Paper No. 10 is acknowledged. Claims 2, 6, 9, 12, 15, 19, 21, 27, 28, 31-34 and 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim.

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. However, based on the figures of these Italian applications, the present invention(s) do not appear to be supported by these documents.

4. The information disclosure statement filed February 11, 2000 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language (those through which a line has been drawn). It has been placed in the application file, but the information referred to therein has not been considered.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamp connecting

the brackets (claim 23) must be shown or the feature canceled from the claim(s). No new matter should be entered.

6. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The disclosure is objected to because of the following informalities:

- a. the phrase "illustratively substantially cylindrical" is unclear; to what does "illustratively" refer?
- b. the specification should not refer specifically to claims (page 3), which may change,
- c. reference numeral 92 (page 18, line 13) is not found in the figures under discussion,
- d. the sentence beginning on line 22 of page 18 is unclear,

e. the phrase “radially recoiling” (page 19, line 24) is not understood in this context, and

f. the phrase “circular salient” (page 20, line 17) is not understood.

Applicant is requested to correct the generally non-idiomatic language and improper grammar throughout the application.

In addition, the nature of base structure 4 is unclear. Initially (page 17 and Fig. 1) base 4 is described as a metal element. Later, however, (page 18 and Fig. 2) the outer surface of the base is stated to be an elastic material and appears to be an insulator.

Appropriate corrections are required.

9. Claims 1, 3-5, 7, 8, 10, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8, etc., the phrases “in particular,” “for instance,” “in such a manner,” “for instance,” “preferably” and “where called for” render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Throughout the claims (and specification) it appears that “in assembly position” should be changed to -in assembled position-, or something similar, as the description refers to the device as assembled.

It is unclear how the protrusions can be “projecting to the rest surface” (claim 1, lines 11-12) when these members are laterally spaced apart.

Claim 17 appears to be missing text on the first line.

What is meant by “recoils” in claim 35?

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3, 4, 7, 8, 16-18, 22-25, 29, and 35-39, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Cauderay, et al. (EPO 0 744 788 A1). This device (see Figs. 6 and 7) comprises a base structure 10, a contacting protrusion 9, and a rest surface 11. In regard to claims 3 and 8, as shown in Fig. 6, the band-shaped contact protrusion is metallic. As the contact protrusion is seen to be firmly attached to the base, it is integral as required by claim 4. Since the base structure is shown in an open position in Fig. 6 and is required to have a smaller radius to fit the base, it is inherently flexible as required by claim 7. In regard to claims 24 and 25, the member 10 is required to flex and then opens again to the position in Fig. 6 and is therefore seen to be elastic; further, it coats the outer side of the contact element 9. In regard to claims 36-38, the device of Cauderay comprises sealing lips 11, 12.

13. Claims 5, 10, 11, 13, 14, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay in view of Tinnerman '627. The contact protrusion of Cauderay is not elastic, etc. However, Tinnerman teaches the use of a contact element

10 comprising elastic projections 18 that better contact the base 21. This arrangement achieves better electrical contact. For this reason, it would have been obvious to use the contact element of Tinnerman in place of the contact element 9 of Cauderay. In regard to claim 30, Cauderay is silent about how the screws are held to the bracket. However, Tinnerman teaches the use of a threaded bracket thereby reducing the number of required parts. Therefore, it would have been obvious to use a threaded hole on the bracket or Cauderay as taught by Tinnerman.

14. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay. The material of the part 10 is not clear. However, it would have been obvious to form it of a thermoplastic material in view of the large number of electrical devices that use thermoplastic materials where conductivity is not required.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tinnerman '492 shows a similar clamping connector having integral threaded portions to secure a screw.

16. **Any response to this action may be mailed to:**

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to:

(703) 308-7722 or 308-7724 or 308-7328
(informal or draft communications should be clearly labeled "PROPOSED"
or "DRAFT")


Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
December 1, 2000